

## **REMARKS**

Claims 1-27 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 112, Second Paragraph, Rejection:**

The Examiner rejected claims 1-27 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants traverse this rejection for at least the following reasons.

Regarding claims 1, 4, 11 and 21, the Examiner asserts that these claims “recite the limitation ‘line group data structure’” and that it “is unclear to the Examiner what this limitation means or how it differs from any other data structure.” Applicants assert the language of claim 1 is such that a person of ordinary skill in the art could easily interpret the metes and bounds. In the Response to Arguments, the Examiner argues that “neither the Applicant’s specification nor claim language clearly defines the terms ‘line group data structure’.” However, as is apparent from the plain language of claim 1, the term “line group” is a label to differentiate the line group data structure from other data structures recited in the claims. Applicants submit that the term “data structure” is well understood and easily interpreted by one of ordinary skill in the art. As several different data structures are recited in the claims, use of the label “line group” simply furthers the clarity of the claims.

Similarly, the Examiner asserts that claims 2 and 12 “recite the limitation ‘order header data structure’” and that it “is unclear to the Examiner what this limitation means or how it differs from any other data structure.” Applicants respectfully disagree with the Examiner and assert that claims 2 and 12 are not indefinite and that one skilled in the art would have no trouble ascertaining the metes and bounds of the claimed subject matter. Applicants submit that the term “order header”, like the term “line group” is a label to differentiate the order header data structure from other data structures recited in the claims.

Regarding claims 4, 14 and 22, the Examiner asserts that these claims “recite the limitation ‘host purchase order’ and that it “is unclear to the Examiner what this limitation means or how it differs from a purchase order.” Applicants respectfully disagree and assert that claims 4, 14 and 22 are not indefinite. As with the terms “line group” and “order header”, discussed above, the term “host” is simply a label used to refer to a particular purchase order item. Applicants further submit that the term “purchase order item” is well understood in the art.

The use of such labels to refer to particular elements in claims is an extremely common practice in claim drafting to maintain clarity. To remove such labels would only serve to reduce the clarity of the claims. Thus, for at least the reasons above, Applicants respectfully request removal of the §112, second paragraph, rejection of claims 1-27.

#### **Section 102(b) Rejection:**

The Examiner rejected claims 1, 2, 5, 7, 10-12, 15, 17, 20, 21, 23, 24 and 27 under 35 U.S.C. § 102(b) as being anticipated by Shoquist et al. (U.S. Patent 5,361,199) (hereinafter “Shoquist”). Applicants traverse this rejection for at least the following reasons.

**Regarding claim 1, Shoquist fails to disclose accessing a user modifiable configuration file comprising a selected list of criteria on which line items are to be sorted into purchase orders.** The Examiner cites FIG. 5 and column 5, lines 56-62, referring to Shoquist’s “RP Worklist Sort Options” window. Shoquist teaches an automated procurement system in which a buyer workstation is in communication with a mainframe database that stores global data relevant to procurement documents and reports.

At the Examiner’s cited passage, Shoquist describes “work lists” and a “work list sort menu”. Shoquist teaches that his work lists are lists of purchase orders and requests

for purchase. For example, Shoquist states, “various work lists may be obtained, including those listing RP’s and PO’s, as well as other documents” (Shoquist, column 5, lines 31-33). Shoquist further states, “a RP work list contains all RP’s assigned to a workstation” and “[o]ther work lists may list other procurement document, such as PO’s and requests for return, for which processing is to be done” (Shoquist, column 5, lines 45-50). **The RP Worklist Sort Options window and the sort menu clearly have nothing to do with accessing a user modifiable configuration file comprising a selected list of criteria on which line items are to be sorted into purchase orders.**

Thus, contrary to the Examiner’s contention, Shoquist’s RP Worklist Sort Options window does not disclose a selected list of criteria *on which line items are to be sorted into purchase orders*. Instead, Shoquist teaches that the sort menu “permits work lists to be sorted by various data fields.” As noted above, Shoquist’s work lists include lists of documents, such as purchase orders, request for purchase, request for return, etc. Shoquist’s work lists are not lists of line items to be sorted into purchase orders. Thus, Shoquist’s Worklist Sort Options window and the sort menu provide selection criteria for sorting the documents (e.g., Purchase Orders) assigned to a workstation for processing. Selecting criteria in the RP Worklist Sort Options window will sort the list of documents (specifically RP documents in Shoquist’s FIG. 5). In other words, Shoquist’s RP Worklist Sort Options window may sort *purchase order documents*, but does not disclose a list of criteria on which line items are sorted into purchase orders.

In the Response to Arguments, the Examiner again cites Shoquist’s Worklist Sort Options window. However, the Examiner does provide any argument or explanation regarding the fact that Shoquist clearly teaches that his Worklist Sort Options window sorts documents, such as purchase orders. There is no way or a user to select a list or criteria *on which line items are to be sorted into purchase orders*. Specifying criteria to sort documents, such as purchase orders, is very different from, and does not disclose, specifying criteria on which line items are to be sorted into purchase orders.

Even if one were to consider the documents sorted by Shoquist's Worklist Sort Options as the line items of Applicants' claim, which Applicants' maintain one cannot, Shoquist still fails to disclose a user modifiable configuration file including a selected list of criteria on which line items are to be sorted into purchase orders. Shoquist's documents, such as purchase orders, are clearly not themselves sorted into purchase orders.

**Shoquist also fails to disclose automatically grouping the line items of the list into purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria.** The Examiner cites FIG. 13 and column 7, lines 19-23 of Shoquist. However, the cited passage does not describe anything regarding automatically grouping line items into purchase orders. Instead, Shoquist teaches, at the cited passage, that FIG. 13 illustrates a P.O. work list specification window that "permits the buyer to create a PO work list *that includes only PO's that meet selected criteria*" (italics added). Thus, Shoquist's system involves using selected criteria to *create a list of purchase orders*, not to automatically group line items into purchase orders. The cited passage clearly does not disclose anything regarding automatically grouping line items into purchase orders and nowhere does Shoquist describe automatically grouping line items into purchase orders *where all items of a given purchase order have matching criteria data*.

In the Response to Arguments, the Examiner cites FIG. 2B of Shoquist and argues, "Figure 12B shows that a requisition can be turned into a purchase order by clicking the option 'Make PO'." Thus, the Examiner is apparently arguing that merely by including the ability to generate a purchase order, Shoquist somehow discloses the specific limitation of **automatically grouping the line items of the list into purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria**, as recited in claim 1. In fact, Shoquist teaches that the action menus of FIGs. 12A and 12B allow the buyer to "act" on a document. Further, Shoquist states that these "actions are the equivalent of handling hard copies of a document in a non-automated system" (column 7, lines 7-13). Shoquist

fails to mention that using the action menu illustrated in Fig. 12B to make a purchase order involved grouping of line items into purchase orders, as recited in Applicants' claim. Thus, the ability to make a purchase order cited by the Examiner refers to turning a complete request for purchase document into a purchase order document.

Moreover, the Examiner has overlooked the fact that Applicant's claim recites, in part, automatically grouping the line items of the list into purchase orders **where all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria**. The Examiner does not provide any argument or interpretation of Shoquist that explains how the merely listing of a "Make PO" menu item in FIG. 12B that is not mentioned specifically by Shoquist can *disclose* the specific limitation in Applicants' claim regarding where **all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria**. Selecting a menu item that turns a complete request for purchase document into a purchase order as an equivalent to "handling hard copies" of the documents clearly does not disclose anything regarding whether or not all items of a particular purchase order have matching criteria.

As discussed above, Shoquist fails to disclose accessing a user modifiable configuration file comprising a selected list of criteria **on which line items are to be sorted into purchase orders**. Shoquist also fails to disclose **modifying the selected list of criteria in response to user input and automatically grouping the line items of the list into purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria**. Therefore, Shoquist cannot be said to anticipate claim 1.

For at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 11 and 21.

### **Section 103(a) Rejections:**

The Examiner rejected claims 3, 4, 13, 14 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Shoquist, claims 6 and 16 as being unpatentable over Shoquist in view of Johnson et al. (U.S. Patent 6,023,683) (hereinafter “Johnson”), and claims 9, 19 and 26 as being unpatentable over Shoquist in view of Official Notice. Applicants respectfully traverse these rejections for at least the reasons provided above regarding their respective, independent claims.

In further regard to claims 9, 19 and 26, the Examiner takes Official Notice that “it is old and well known in the art to send a supplier a purchase order in an outbound route via an Internet network.” Pursuant to M.P.E.P. § 2144.03, Applicant traverses the Examiner’s taking of official notice. Although sending a purchase order in an outbound route to a supplier via an Internet network may be known in other contexts, the Examiner has not provided any such evidence of record. Moreover, Applicants assert that it was not well known in the prior art to send a purchase order in an outbound route to a supplier via an Internet network in the context of a computer implemented procurement system in which separate purchase orders are generated according to line group data structure storing grouped line items where all items of a given purchase order have matching criteria data with respect to any criteria of a modified list of criteria, as recited in Applicants’ claims. Applicants previously asserted, Pursuant to M.P.E.P. § 2144.03, that “the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See also 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). However, the Examiner has failed to provide any documentary evidence whatsoever. Therefore, the rejection is improper.

Regarding all the §102 and §103 rejections above, Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

**Allowable Subject Matter:**

Claims 8, 18 and 25 were indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph. In light of the above remarks, Applicants assert that these claims are in condition for allowance in their present form.

## CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6000-30300/RCK.

Respectfully submitted,

/Robert C. Kowert/  
Robert C. Kowert, Reg. #39,255  
Attorney for Applicant

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

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